

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**751 Twinbrook Parkway  
Rockville, MD 20851**

**(240) 777-6600**

**<http://www.montgomerycountymd.gov/boa/>**

**CASE NO. A-6658**

**PETITION OF XINGZHU LIU**

**NOTICE OF HEARING**

Please take notice that the Board of Appeals for Montgomery County, Maryland, will hold a public hearing, likely using technology in lieu of in-person attendance due to COVID-19, **on Wednesday, the 8<sup>th</sup> day of July, 2020, at 9:30 a.m.**, or as soon thereafter as this matter can be heard, on the application filed pursuant to Section 59-7.3.2.A of the Zoning Ordinance. Instructions for remote participation in this hearing, assuming the hearing is held remotely, will be posted on the Board's webpage (address above) once they are available.

The proposed construction, a new house, requires a variance of eight (8) feet as it is within seven (7) feet of the sidestreet lot line. The required setback is fifteen (15) feet, in accordance with Section 59-4.4.9.B.1 of the Zoning Ordinance.

The subject property is Lot 7, Block 11, Glenmont Village Subdivision, located at **12501 Holdridge Road, Silver Spring, Maryland, 20906** in the R-60 Zone. (Tax Number Account No. 01253420)

Notices forwarded this 5<sup>th</sup> day of June, 2020, to:

***Xingzhu Liu***

Charles Frederick, Esquire, Associate County Attorney  
Washington Suburban Sanitary Commission  
State Highway Administration  
County Board of Education  
Contiguous and confronting property owners  
Local Citizens Associations

EXHIBIT NO. 7(b)

County Board of Appeals

  
Barbara Jay  
Executive Director

**All parties who make submissions, after an initial filing, in Special Exception, Variance and Administrative Appeals cases, must furnish copies of the submission to all other parties in the case. For the purpose of this requirement, a party includes: (1) Counsel of record who have formally entered their appearance; (2) Any person to whom the Board of Appeals has granted Intervener status; and (3) The Applicant, Petitioner or Appellant in the case.**

**Submissions must be accompanied by a written statement certifying that copies have been sent to all parties. Effective September 6, 2002, failure to supply such written certification will result in refusal of the submission.**

**Case files are available for public review at the office of the Board of Appeals, Monday through Friday, 8:30 a.m. – 4:00 p.m.**

**BOARD OF APPEALS  
FOR  
MONTGOMERY COUNTY, MARYLAND  
(240) 777-6600**

Docket No. A- 6658  
Date Filed 5-13-20  
Hearing Date 7-08-20  
Time 9:30 a.m.

**PETITION FOR VARIANCE UNDER ZONING ORDINANCE**

(Please Note Instructions on Reverse Side)

(PLEASE PRINT)

Name of Petitioner(s): Xingzhu Lin  
Address of Petitioner(s): 6432 Bannockburn Dr City Bethesda Zip 20817  
Description of property involved: Lot 7 Block 11 Parcel \_\_\_\_\_ Subdivision 0074  
Street and No. 12501 Holdridge Rd City Silver Spring Zip 20906 Zone Classification R-60  
Appellant's present legal interest in above property (check one): Tax Account No. 01253420  
☒ Owner (including joint ownership) ☒ Other (describe) Yan Chen  
If not owner, name and address of owner: \_\_\_\_\_

What variance is requested, and what is the pertinent section of the Zoning Ordinance? We request a 7 Feet Variance on the left setback  
54-4.4.9.B1

Check existing reason(s) why the Ordinance requirement(s) would result in practical difficulties for property owner:  
☒ narrowness \_\_\_\_\_ shallowness \_\_\_\_\_ shape \_\_\_\_\_ topography \_\_\_\_\_ other extraordinary situations or conditions peculiar to this property.

Describe this property's extraordinary situation or peculiar conditions compared to neighboring properties: ① All lots in this neighborhood requires 7 feet setback.  
② The reason county requires my lot a 15 Feet setback is  
the paper Street, which never built.

How will the peculiar condition described above result in practical difficulty if the requested variance is not granted? if not granted, I cannot build my house.

Date of recording of plat of present subdivision: 1950; or, if property is un-subdivided, date on which deed recorded, or state that such deed was first recorded prior to March 6, 1928: \_\_\_\_\_

Has any previous variance application involving this property been made to the Board of Appeals? If so, give Case Number(s): NO

I have read the instructions on the reverse side of this form and am filing all required accompanying information. I hereby affirm that all of the statements and information contained in or filed with this petition are true and correct.

Name of Attorney/Agent (Print Name next to Signature) \_\_\_\_\_ Signature of Petitioner(s) (Print Name next to Signature) \_\_\_\_\_  
Address of Attorney \_\_\_\_\_ Address of Petitioner 6432 Bannockburn Dr  
Bethesda, MD 20817  
Phone Number (OVER) 301 378 3545 Home Phone \_\_\_\_\_ Work Phone 301 378 3545

EXHIBIT NO. 1

## Justification Statement

**Property location:** 12501 Holdrdige Rd, Silver Spring MD 20906. Lot 7, Block 11, Subdivision 0074

**Land Area:** 6404 square feet

**Zone Type:** R-60

**Petitioner:** Xingzhu Liu (owner)

### **Factual Background:**

This neighborhood was developed and divided in 1950. The lot size in this community ranges from 6000 to 8000 square feet. The usual setback on both side of the lots in this community is 7 feet.

The lot for which I am applying for a variance is lot 7 (12501 Holdridge Rd). It is a triangular shaped lot between lot 7 and the 30-foot R/W (a paper street).

Although all the lots have a required setback of 7 feet on both sides, but my lot (lot 7) has a required setback 7 feet on the right, and 15 feet on the left.

I consulted the county zoning office and asked why the left setback of my lot is 15 feet by zoning. The answer was that "historically, at the time of development, there was a street planned". The lot which is adjacent to the public street requires a setback more than 7 feet (15 feet in this case).

### **Reason for Appeal:**

The 15 feet setback on the left side of the lot prohibits us building a house of reasonable size (30 feet x 48 feet = 1440), plus a two-car garage on the left). See the attached site plan.

**Evidence supporting variance:**

The key rationale of the 15 feet setback requirement is that the county would build a street as was planned 70 years ago.

Evidence showed that the county did not build a street.

It does not make any sense to build a street there -- first because the street cannot go through (dead end); secondly because I don't believe the county will build a street just for myself; and thirdly, no body (including myself) really need a street to be built.

Building a street there will benefit no body, will consume public resources and will hurt the ecology of the community.

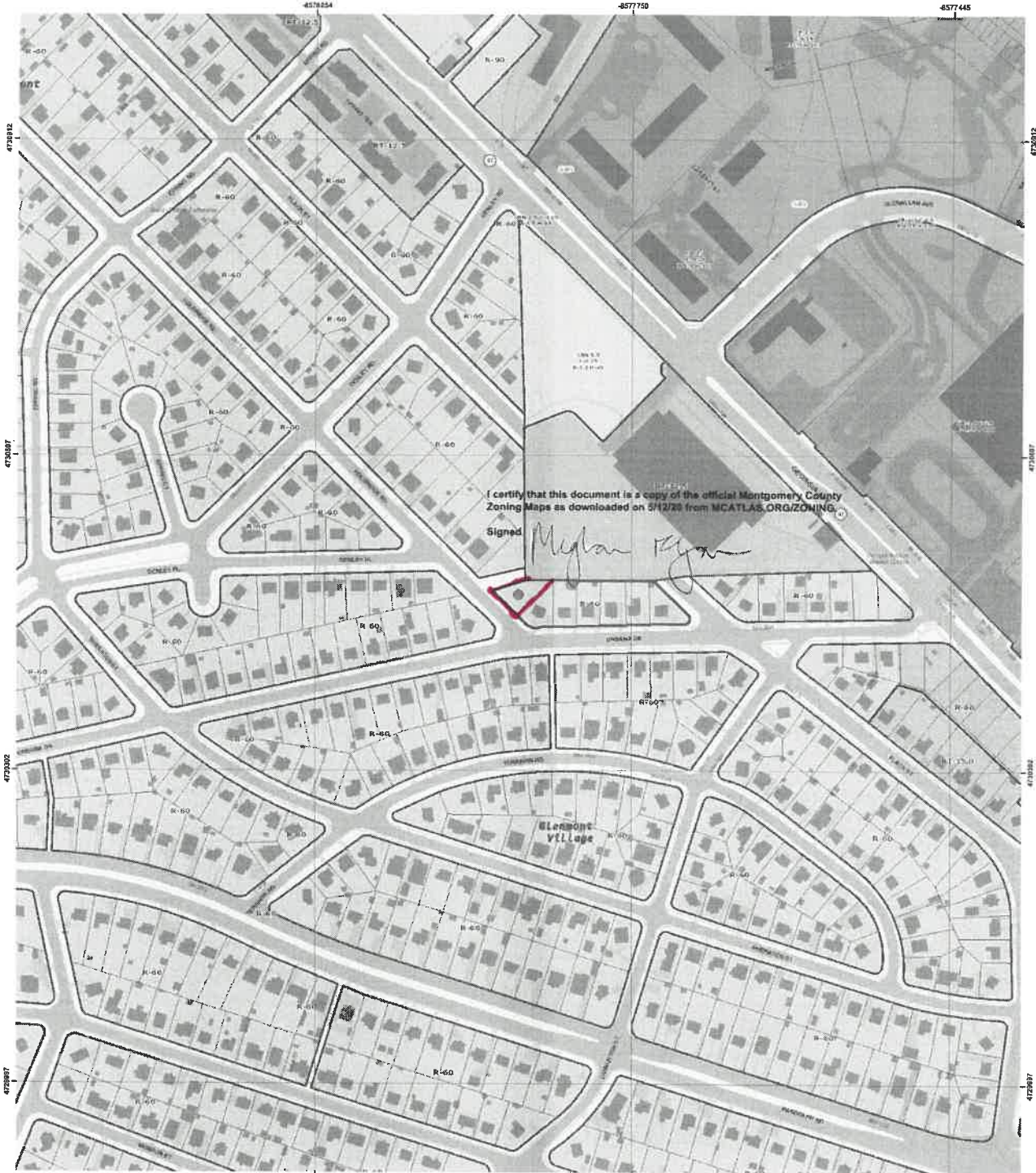
Given the location of my lot, the allowance of this variance will not have any negative impact to the community, but rather will benefit the home owner, the public and the community as well.

**Conclusion:**

The variance I am applying for will give me opportunity to build the house of reasonable size, will not have any negative impacts to the community and will match the setback requirements for other lots in this community.



NOTES CONCERNING ZONING IN RIGHTS-OF-WAY  
 1. Zone boundaries within rights-of-way are shown for informational purposes only. The actual zone boundary is the right-of-way line.  
 2. Zone boundaries within rights-of-way are shown for informational purposes only. The actual zone boundary is the right-of-way line.  
 3. Zone boundaries within rights-of-way are shown for informational purposes only. The actual zone boundary is the right-of-way line.



# MONTGOMERY COUNTY ZONING MAP

The Maryland-National Capital Park and Planning Commission  
 Montgomery County Planning Department



Address #	91283420
Address	12501 HOLDRIDGE RD SILVER SPRING, 20906
Landuse	Single Family Detached
Legal Description	GLENMONT VILLAGE
Zone	R-60
Overlay Zone	N/A
TDR Overlay Zone	N/A
Parking District	N/A
CBD	N/A
Parcel Lot Block	N/A 7, 11

Special Protection Area	N/A
Urban District	N/A
Enterprise Zone	Glenmont
Arts & Ent. District	N/A
Special Tax District	N/A
Blairstown Priority Area	Glenmont
Urban Renewal Area	N/A
Metro Station Policy Area	Glenmont
Priority Funding Area	Yes
Septic Tier	Tier 1: Sewer existing
Municipality	N/A
Master Plan	GLENMONT SECTOR PLAN 2012
Historic Site District	N/A

SSC G-6d	216NW03
Map Amendments	G-138, G-757, G-856, G-650
Water/Sewer Categories	W-1 / S-1

Printed: 5/12/2020  
 1 inch = 198 feet



EXHIBIT NO.

6(b)





## DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Hadi Mansouri  
Acting Director

### BUILDING PERMIT DENIAL

The Department of Permitting Services cannot issue a building permit for the property indicated below without a variance from the Montgomery County Board of Appeals.

NAME: Xingzhu Lin

ADDRESS: 12501 HOLDRIDGE RD  
SILVER SPRING, MD 20906

LOT - BLOCK: 7 - 11

ZONE: R-60

THE VARIANCE REQUEST IS FOR

<input type="checkbox"/> N	EXISTING STRUCTURE
<input type="checkbox"/> N	NON-CONFORMING
<input checked="" type="checkbox"/> Y	NEW SINGLE-FAMILY DWELLING

<input type="checkbox"/> Y	PROPOSED STRUCTURE
<input type="checkbox"/> N	NON-COMPLYING

TYPE OF CONSTRUCTION:

<input type="checkbox"/> N	ROOM ADDITION
<input type="checkbox"/> N	PORCH
<input type="checkbox"/> N	SHED
<input type="checkbox"/> N	ACCESSORY STRUCTURE
<input type="checkbox"/> N	OTHER

<input type="checkbox"/> N	SWIMMING POOL
<input type="checkbox"/> N	DECK
<input type="checkbox"/> N	FENCE/RETAINING WALL
<input type="checkbox"/> N	GARAGE/CARPORT

The proposed construction requires a 8.00 ft. variance as it is within 7.00 ft. of the sidestreet lot line.

The required setback is 15.00 ft. in accordance with Section 59-4.4.9.B1.

The required sum of both side yards is 0.00 ft. in accordance with Section 59-.

The proposed construction reduces the sum of both sides to 0.00 ft., creating a violation of 0.00 ft.

The proposed construction requires a variance from the Exemption from Controls, Section 59-B as follows:  
N/A

The proposed construction new single family dwelling.

2/28/2020

Signature

Date

Denial Letter # 373317

EXHIBIT NO. 5

CASE NO. A-6658

PETITION OF XINGZHU LIU

EXHIBIT LIST

1. Application
2. List of adjoining/confronting property owners
3. Statement of Justification
4. (a) Site Plan, Soil Map, Established Building Line, Average Front Grade **(Large)**  
(b) Site Plan, Soil Map, Established Building Line, Average Front Grade **(Reduced)**
5. DPS building permit denial
6. (a) Zoning Vicinity Map **(Large)**  
(b) Zoning Vicinity Map **(Reduced copy)**
7. (a) Envelope showing date notice mailed  
(b) Notice of hearing scheduled for July 8, 2020
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_

Real Property Data Search ( w1)

Search Result for MONTGOMERY COUNTY

<a href="#">View Map</a>	<a href="#">View GroundRent Redemption</a>	<a href="#">View GroundRent Registration</a>
<b>Special Tax Recapture: None</b>		
<b>Account Identifier:</b>		<b>District - 13 Account Number - 01253420</b>
<b>Owner Information</b>		
<b>Owner Name:</b>	LIU XINGZHU CHEN YAN	<b>Use:</b> RESIDENTIAL <b>Principal Residence:</b> NO
<b>Mailing Address:</b>	6432 BANNOCKBURN DR BETHESDA MD 20817-	<b>Deed Reference:</b> /50042/ 00069
<b>Location &amp; Structure Information</b>		
<b>Premises Address:</b>	12501 HOLDRIDGE RD SILVER SPRING 20906-0000	<b>Legal Description:</b> GLENMONT VILLAGE
<b>Map:</b> HQ63	<b>Grid:</b> 13260074.16	<b>Parcel:</b> 0074
<b>Neighborhood:</b>	<b>Subdivision:</b>	<b>Section:</b>
<b>Block:</b> 11	<b>Lot:</b> 7	<b>Assessment Year:</b> 2020
<b>Plat No:</b> 2378	<b>Plat Ref:</b> / 2378	
<b>Town:</b> None		
<b>Primary Structure Built</b>	<b>Above Grade Living Area</b>	<b>Finished Basement Area</b>
	6,404 SF	111
<b>Stories</b>	<b>Basement</b>	<b>Type</b>
		<b>Exterior</b>
		<b>Quality</b>
		<b>Full/Half Bath</b>
		<b>Garage</b>
		<b>Last Notice of Major Improvements</b>
<b>Value Information</b>		
	<b>Base Value</b>	<b>Value</b>
		<b>As of</b>
		<b>01/01/2020</b>
<b>Land:</b>	102,600	102,600
<b>Improvements</b>	0	0
<b>Total:</b>	102,600	102,600
<b>Preferential Land:</b>	0	0
<b>Phase-in Assessments</b>		
	<b>As of</b>	<b>As of</b>
	<b>07/01/2019</b>	<b>07/01/2020</b>
	102,600	102,600
<b>Transfer Information</b>		
<b>Seller:</b> HAMPTON TIMOTHY JOHN	<b>Date:</b> 04/01/2015	<b>Price:</b> \$120,000
<b>Type:</b> ARMS LENGTH VACANT	<b>Deed1:</b> /50042/ 00069	<b>Deed2:</b>
<b>Seller:</b> URBANA DRIVE LLC	<b>Date:</b> 12/21/2012	<b>Price:</b> \$118,000
<b>Type:</b> ARMS LENGTH VACANT	<b>Deed1:</b> /45624/ 00446	<b>Deed2:</b>
<b>Seller:</b> STORY, AUSTIN O & E H	<b>Date:</b> 04/18/2008	<b>Price:</b> \$123,435
<b>Type:</b> ARMS LENGTH VACANT	<b>Deed1:</b> /35568/ 00091	<b>Deed2:</b>
<b>Exemption Information</b>		
<b>Partial Exempt Assessments:</b>	<b>Class</b>	<b>07/01/2019</b>
<b>County:</b>	000	0.00
<b>State:</b>	000	0.00
<b>Municipal:</b>	000	0.00 0.00
		0.00 0.00
<b>Special Tax Recapture: None</b>		
<b>Homestead Application Information</b>		
<b>Homestead Application Status:</b> No Application		
<b>Homeowners' Tax Credit Application Information</b>		
<b>Homeowners' Tax Credit Application Status:</b> No Application		<b>Date:</b>

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.